

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RODERICK DEMMINGS,

Plaintiff,

v.

ILWU AND PMS BENEFITS PLAN  
OFFICE, PACIFIC MARITIME  
ASSOCIATION AND ILWU LOCAL  
19 JOHN DOES 1-10, ,

Defendants.

CASE NO. C13-5737 RAJ

ORDER

This matter comes before the court on the motion of defendant International Longshore Warehouse Union – Pacific Maritime Association Welfare Benefits Plan Office (“the Plan”) to dismiss the third amended complaint (Dkt. # 85) and plaintiff Roderick Demmings’ motion for extension of time (Dkt. # 90). The court GRANTS the Plan’s motion and DENIES plaintiff’s motion.

1 Mr. Demmings has consistently failed to meet court deadlines. Indeed, the court  
2 has granted him no less than five extensions of time in this matter. He now seeks a sixth  
3 extension of time of six additional months to respond to the Plan's motion to dismiss.<sup>1</sup>

4 The Plan filed its motion to dismiss on December 23, 2014. A few days before  
5 this filing, Mr. Demmings had filed a Notice of Unavailability indicating that he would  
6 be completely unavailable for the next four months.<sup>2</sup> Dkt. # 89. Although such a notice  
7 has no legal significance and is merely a courtesy, the Plan nevertheless noted its motion  
8 to dismiss for April 17, 2015 -- allowing Mr. Demmings several additional months to  
9 prepare his response. Pursuant to this District's local rules, Mr. Demmings' response was  
10 due on April 13, 2015. See LCR 7(d)(3). He, again, failed to meet that deadline. On  
11 April 16, 2015, he filed a motion for extension of time citing an unspecified "disability"  
12 and having been "off his medications." Dkt. # 90. His previous extension requests were  
13 based upon similar unspecified health issues, unspecified family obligations and  
14 unspecified work obligations. See, e.g., Dkt. ## 8, 77.

15 This case has been pending since August 2013. Despite his *pro se* status, Mr.  
16 Demmings is still expected to comply with court rules and deadlines. He has failed to do  
17 so on several occasions and the court cannot continue to grant him latitude.

18 Additionally, in this instance, the court finds that even if it did grant Mr.  
19 Demmings additional time to respond to the Plan's motion, he would not be able to  
20 successfully oppose the motion. Plaintiff's Third Amended Complaint alleges the same

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22 <sup>1</sup> Although Mr. Demmings' motion does not specify that his request for additional  
23 time relates to the Plan's motion to dismiss, the Plan's motion is the only motion  
24 currently pending on the docket. In the future, the court advises Mr. Demmings to be  
25 more specific and to include additional details in his filings with the court.

26 <sup>2</sup> Mr. Demmings should note that he cannot unilaterally extend court deadlines. A  
27 Notice of Unavailability is merely a courtesy notice to the parties and the court. Neither  
the court nor the parties are required to comply with the notice. The only way a party can  
obtain relief from court deadlines is by filing a properly noted motion. Unless the court  
grants the motion, the parties are required to comply with the previously set deadlines.

1 claims alleged in his Second Amended Complaint: violation of the Americans with  
2 Disabilities Act (“ADA”), the Washington Law Against Discrimination (“WLAD”), and  
3 Title VII. The court previously dismissed plaintiff’s claims against the Plan because he  
4 failed to allege any facts that would show that the Plan was a “covered entity” (i.e.,  
5 plaintiff’s employer or labor organization) under any of the aforementioned statutes.  
6 Dkt. # 76. The court has reviewed plaintiff’s Third Amended Complaint and it still fails  
7 to correct this deficiency. Accordingly, plaintiff’s claims against the Plan are dismissed.

8 The remaining defendants, Pacific Maritime Association (“PMA”) and  
9 International Longshore and Warehouse Union Local (“ILWU”) have answered  
10 plaintiff’s Third Amended Complaint. Dkt. ## 83, 84. Therefore, plaintiff may continue  
11 to pursue his claims against these defendants.

12 Dated this 27th day of April, 2015.

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16 The Honorable Richard A. Jones  
17 United States District Judge  
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